UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,235	11/04/2003	Robert A. West	03-987	5256

20306   7590   10/15/2008
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER
BARTLEY, KENNETH

ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/701,235</td><td>Applicant(s)
WEST, ROBERT A.</td></tr>
<tr><td>Examiner
KENNETH L. BARTLEY</td><td>Art Unit
3693</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 July 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-6,11-16 and 31-40_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-6,11-16 and 31-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _04/04/2008_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Receipt of Applicant's remarks filed on July 2, 2008 is acknowledged.

2.   There are no claim amendments. Claims 1, 3-6, 11-16, and 31-40 are pending in

the current application and are provided to be examined upon their merits. The

Examiner has rejected the claims on new grounds, 35 USC §101 and 35 USC §112, 2nd

paragraph. Therefore, this Office Action is made a Non-Final Office Action.

Response to Arguments

3.   Applicant's arguments filed July 2, 2008 have been fully considered but they are

not persuasive. The Examiner provides a response below in **bold** regarding the 103(a)

rejection.

Applicant argues 35 USC § 103(a) rejection on page 6 of remarks:

**The Examiner rejected claim 1, 3-6, 11, 14, 15, and 31-40 using US Patent No.
5,339,392 to Risberg et al. in view of US Patent No. 7,068,288 to Good et al.**

Applicant cites Risberg:
        Risberg generally relates to a software system which permits the user to create
        custom active documents with a layout, look, and content defined by the user.
        The Applicant notes that Risberg has been already discussed at length in this
        case and, for brevity, that discussion will not be repeated here.

**The Examiner respectfully points out that Risberg et al. is an important reference
because it teaches alarms with triggers and changing from a first state to a
second state for tradeable objects. This covers most of applicants claimed
elements. The element that is missing is a rearrangement of a layout (workspace)
based on a change in state. The Examiner points out the title of Risberg that
indicates Risberg is more than just a software system:**

"Apparatus and method for creation of a user definable video displayed document showing changes in real time data" (Risberg et al. title)

The Applicant agrees that, among other deficiencies, "Risberg et al. fails to teach rearrangement of the layout of a display based on a change in state for a workspace," as noted at page 8 of the Office Action. The Office Action then turns to Good to cure this deficiency, although, as discussed below, the Applicant respectfully submits that Good fails to do so.

Applicant argues Good, page 7 of remarks:

Good generally relates to moving graphical objects on a computer system. More particularly, as discussed beginning at col. 3, line 15, Good discusses a user interface for positioning graphical objects in the display area of a free form system. A selected object may operate in a first state where it can be moved to different positions within the display area. The selected object may further operate in a second state where movement of the selected object causes other graphical objects within its path of movement to also move. A user may dynamically switch between these states based on signals provided to the system.

Therefore, Good teaches a layout is dynamically changed based on a signal provided to the system.

In other words, a graphical object in Good may be switched into a second state by a user whereby movement of the object causes other objects in the path of movement to also move. For example, as discussed beginning at col. 7, line 26, Good allows a user to add content to an object (making it larger) or drag an object in a display area and have other objects make room/move out of the way.

Good teaches a rearranged display for a change in state, where the only element lacking in Risberg is a rearranged display.

Thus, Good discusses moving graphical objects in response to user actions. However, Good does not cure at least the deficiencies of Risberg discussed above. That is, Good does not teach or suggest rearrangement of the layout of a display based on a change in state for a workspace which is associated with a plurality of windows. Further, Good does not teach or suggest that this rearrangement occur based on detecting a trigger by analyzing incoming data feeds related to one or more tradeable objects. Rather, at most, Good discusses moving graphical objects in a display area based on a user-input-driven state change for one of the objects in the display area. That is, Good merely discusses that windows may be moved around based on user input.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, **642 F.2d 413, 208 USPQ 871 (CCPA 1981);** *In re Merck & Co.,* **800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).**

The Examiner respectfully reminds Applicant that Good et al. was used to teach a display may be rearranged based on a change of state. Risberg et al. teaches triggers, alarms, and changing from one state to a second state based on tradeable data. Also, as cited in the prior office action from Good:

"It has been determined that <u>user interface techniques for working with such workspaces</u> can help a user stay in the flow. For example, when generating content, a key requirement for staying in the flow is to maintain a visible region of work--that is, to keep the item(s) that the user is working on, together with as much context as possible, visible to the user. The <u>system may adjust the view or move objects</u> to accomplish this." (col 5, lines 13-23)

> Accordingly, without conceding the propriety of the asserted combination, the Applicant respectfully submits that, even in view of the knowledge of one of ordinary skill in the art, Good does not cure the deficiencies of Risberg discussed above.

> Independent claim 1 recites "upon detecting the trigger, changing a state of the plurality of windows being displayed according to the second state in the workspace, the second state comprising a different arrangement of the plurality of windows in the workspace than the first state." Independent claim 40 recites similar limitations. Risberg does not teach or suggest such limitations. Good also does not teach or suggest such limitations. Thus, neither Risberg nor Good, alone or in combination, teaches or suggests the entirety of the limitations recited in the pending claims. Therefore, the Applicant respectfully submits that independent claims 1 and 40 should be allowable over the cited art of record for at least the reasons discussed above.

> With respect to claims 3-6, 11, 14-15, and 31-39, these claims depend from independent claim 1. The Applicant respectfully submits that because claim 1 should be allowed for at least the reasons discussed above, claims 3-6, 11, 14-15, and 31-39 should also be allowed.

The Examiner respectfully disagrees and asserts that Risberg alone teaches most of the claimed elements and with Good all are taught.

Applicant argues claims 12-13 and 16 on page 8 of remarks:
The Examiner rejected claims 12-13 and 16 based on the above prior art and
Official Notice.

> The Applicant next turns to the rejection of claims 12-13 and 16 under 35 U.S.C.
> 103(a) as being unpatentable over Risberg in view of Good further in view of
> Official Notice. The Applicant first notes that claims 12-13 and 16 depend from
> independent claim 1. The Applicant respectfully submits that because claim 1
> should be allowed for at least the reasons discussed above, claims 12-13 should
> also be allowed.

Noted, however the Examiner maintains the prior rejection.

> Next, the Applicant respectfully traverses the Examiner's assertions of Official
> Notice as further set forth below. Alternatively, if the Examiner's assertions are
> based on the personal knowledge of the Examiner, then under MPEP §
> 2144.03(C) and 37 C.F.R. § 1.104(d)(2), the Examiner's assertions must be
> supported by an affidavit from the Examiner.

> According to MPEP § 2144.03(A), Official Notice, without supporting references,
> should only be asserted when the subjects asserted to be common knowledge
> are "capable of instant and unquestionable demonstration as being well-known."
> That is, the subjects asserted must be of "notorious character" under MPEP §
> 2144.03(A).

The Applicant is arguing that profit/loss and net position for trader related data
and a time trigger are not well known.

> However, the Applicant respectfully submits that the subject matter of the
> Examiner's assertions of Official Notice is not well-known in the art as evidenced
> by the searched and cited prior art. The Applicant respectfully submits that the
> Examiner has performed "a thorough search of the prior art," as part of the
> Examiner's obligation in examining the present application under MPEP §
> 904.02.

The Examiner respectfully disagrees with this assertion. The Examiner did
provide art in the prior Office Action (prior art considered pertinent).

> Additionally, the Applicant respectfully submits that the Examiner's searched and
> cited references found during the Examiner's thorough and detailed search of the
> prior art are indicative of the knowledge commonly held in the art. However, in
> the Examiner's thorough and detailed search of the relevant prior art, none of the

prior art taught or suggested the subject matter of the Examiner's assertions of Official Notice. That is, the Examiner's thorough and detailed search of the prior art has failed to yield any mention of the teachings that the Examiner is asserting as widely known in the art. The Applicant respectfully submits that if the subject matter of the Examiner's assertions of Official Notice had been of "notorious character" and "capable of instant and unquestionable demonstration as being well-known" under MPEP § 2144.03(A), then the subject matter would have appeared to the Examiner during the Examiner's thorough and detailed search of the prior art.

With all due respect the Examiner did cite pertinent art.

If the Examiner had found any teaching of relevant subject matter, the Examiner would have been obligated to list the references teaching the relevant subject matter and make a rejection. Consequently, the Applicant respectfully submits that the prior art does not teach the subject matter of the Examiner's assertions of Official Notice and respectfully traverses the Examiner's assertions of Official Notice.

The Examiner did find art, some of which was provided.

The Applicant specifically challenges the Examiner's assertions of Official Notice with regard to the following:

1. "it would have been obvious to one skilled in the art at the time the invention to include profit/loss and net position data as part of financial analysis and that this provides the trader with useful information about whether or not to buy or sell a stock and that such information can enhance investment returns to the user."

2. "it would have been obvious to one skilled in the art at the time of invention to include time considerations for a trigger and that it would be useful, for example, where the trigger is activated during a trading session."

As stated above, the Applicant respectfully traverses the Examiner's assertions of Official Notice and submits that the subject matter is not of such "notorious character" that it is "capable of instant and unquestionable demonstration as being well-known." Under MPEP 2144.03, the Examiner is now obligated to provide a reference(s) in support of the assertions of Official Notice if the Examiner intends to maintain any rejection based on the assertions of Official Notice. Additionally, the Applicant respectfully requests the Examiner reconsider the assertions of Official Notice and provide to Applicant any basis for the Examiner's assertions of Official Notice.

The Examiner notes that when the above search was performed using "trigger with time"; "trigger with loss"; and "trigger with (gain or profit)" many "hits" occurred. The Examiner did limit the search in order to cite some of the related art (pertinent art section). The Examiner therefore maintains the Official Notice based on the cited prior art.

Regarding claims 11, 12, and 16 for examples of prior art:

Claim 11, using US Patent No. 7,158,951 to Stark:
"The resetting of the trigger price continues for selected stocks on a daily basis, and through the <u>trigger-price driven trading transactions</u> discussed above, seeks to <u>avoid losses and protect gains</u> of the user." (col. 61-64)

Regarding claim 12, using US Patent No. 7,158,951 to Stark:
"One aspect of the invention is a computer-implemented method of trading a position in a security, such as a stock. The value of the security is monitored by the associated computer program. A determination of a reference price for the security is made. An input is received which designates a differential for the computer to use when calculating the trigger price; <u>the trigger price is the value used to liquidate and acquire positions in a security</u>. The program liquidates, or gets out of, a first position in the security when the value of the security reaches or passes the trigger price moving in a first direction. <u>After liquidating the first position, the program acquires, or gets into, a second position</u> in the security when the value of the security reaches or passes the trigger price moving in a second direction opposite to the first direction. The position acquired or liquidated depends on whether the user is trading long or short." (col. 2, lines 23-38)

Regarding claim 16, using US Patent No. 6,874,126 to Lapidous:
"In one embodiment, the <u>event related to the cursor motion is either a reduced cursor motion or a lack of the cursor motion for a predefined time period</u>. The method further includes defining a control region that covers at least a portion of the interface element and a current position of the cursor, and canceling the display of the supplemental content upon detecting that the cursor is positioned outside of the control region." (col. 3, lines 29-36)

Applicant concludes on page 10:
> In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (for example, if such statements should become relevant by appearing in a rejection of any current or future claim).

The Examiner respectfully maintains the rejection.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-6, 11-16, and 31-40 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Regarding claim 1: According to the recent Guidelines issued by the Deputy
Commissioner, in order for a method claim to qualify as a patent eligible process under
35 USC § 101, the process of the method claim must (1) be tied to another statutory
class (such as a particular apparatus) or (2) transform underlying subject matter (such
an article or materials) to a different state or thing.

In the instant case, none of the process steps of the method claims are tied to an
apparatus such as a computer. Accordingly, the claimed invention fails to qualify as a
statutory process under the Guidelines.

Regarding claims 1 and 40: Please also note regarding method claim 1 that the
claimed invention must also recite transformation of data by a machine or apparatus
(e.g. a computer) that produces "useful, concrete and tangible" result. In the instant
case, it is not clear that changing the state of windows after detecting a trigger leads to
a "useful, concrete and tangible" result. This is also true for claim 40, since it is not
clear a useful result is produced. For example, changing to a state for placing a trade
order would be a useful result.

The applicant is requested to indicate where in the specification there is support for the
amended claim.

Note: merely reciting a computer in the preamble does not meet the aforementioned
requirement nor reciting a nominal process such as communicating data with a
computer.

Claims 3-6, 11-16, and 31-39 are rejected because they depend from independent claim 1.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 1, 3-6, 11-16, and 31-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 requires a computer in order to perform several steps (see 35 USC 101 rejection above). For example, "... a plurality of windows..." is considered non-functional since the windows are not defined based on an executable program in association with a computer.

Claim 1 has "defining a plurality of windows..." where "defining" is indefinite since this does not particularly point out or distinctly claim the subject matter. Essentially, how would someone skilled in the art know what "defining" means?

Claim 1 has "defining a trigger..." where "defining" is indefinite because as above, "defining" does not distinctly claim the subject matter. Also, "defining" does not make a trigger do anything in a meaningful way. Trigger is a logic condition, and it cannot be detected without defining it in terms of its functionality. The claim fails to do this.

Claim 1 has a "workspace" which is abstract without any computer affecting it.

Claim 1 has "...activate the workspace according to a second state;" where "activate" is indefinite since it is not clear how one skilled in the art would know what this means (it could mean many things).

Claim 1 has "analyzing one or more incoming data feeds..." where a computer needs to act on the data feeds in order to analyze the feeds.

Claim 1 has "different arrangement" and "a more desirable arrangement of the plurality of windows..." where "different" and "more desirable" are indefinite since they are relative terms.

Claim 1 has "upon detecting the trigger, changing a state of the plurality of windows ..." This is indefinite since nothing is specified as to what the "first state" and the "second state" is.

Claim 5 has "activates window characteristics..." where "activates" is indefinite for reasons given above and there is no antecedent basis for "window characteristics."

Claim 6 has "detecting an expiration of the trigger" where there is no antecedent basis for "expiration" of a trigger.

Claim 40 also has the above issues of claim 1. Claims 3-6, 11-16, and 31-39 are rejected because they depend from independent claim 1.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

9.   Claims 1, 3-6, 11, 14, 15, and 31-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Patent No. 5,339,392 to Risberg et al., in view of U.S.

Patent 7,068,288 to Good et al.

Regarding applicant claim 1:
1. A method for an event driven workspace in an electronic trading environment, the method comprising:

defining a plurality of windows to be associated with a workspace, wherein the plurality of windows are associated with at least two applications <u>and the plurality of windows are used to display information pertaining to one or more tradeable objects on a display unit, and wherein each of the plurality of windows is displayed according to a first state in the workspace, the first state comprising a particular arrangement of the plurality of windows in the workspace;</u>

      <u>Risberg, et al. discloses:</u>
      "The active document can be comprised of one or more sheets..." (Abstract)

      "Active document" ... means a video displayed document of one or more "sheets" of the user's design..." (col. 2, lines 31-33)

"Several sheets may be shown in separate "windows" or layers on the display."
(col. 5, liens 33-37)

"The invention pertains to the field of application programs for monitoring and
managing complex systems…" (col. 1, lines 31-34)

"The tools provided … allow the user to layout each sheet of the active document
with: quotes of prices, volume etc. on various financial instruments such as
stocks, bonds, etc…." (Abstract)

"A quote is either in the normal state 27 or the alert state 28." (col. 10, lines 6-7)

"When a real time data update comes into a normal state quote and does not
trigger an alert, the "normal update" script is run." (col. 10, lines 7-9)

Also, "A script is a user defined string of commands that are executed in
sequence." (col. 10, lines 9-11)

"The user can select which real time data is to be displayed, where it is to be
displayed and in what format and style it is to be displayed." (Abstract)

defining a trigger to be used to activate the workspace <u>according to a second state;</u>

"When an update comes in which triggers an alert, the "begin alert" script 30 is
run." (col. 10, lines 19-20). This activates a second state (Fig. 2).

detecting the trigger associated with the workspace by <u>analyzing one or more incoming
data feeds having a relation to the one or more tradeable objects;</u> and

"The tools provided … allow the user to layout each sheet of the active document
with: quotes of prices, volume etc. on various financial instruments such as
stocks, bonds, etc…." (Abstract)

"The user may also define alarm limits against which real time data updates are
compared as well as scripts of commands to be performed in case an alarm limit
is exceeded." (Abstract).

<u>upon detecting the trigger,</u> changing a state of the plurality of windows being displayed
<u>according to the second state in the workspace, the second state comprising a different
arrangement of the plurality of windows in the workspace than the first state, wherein</u>

the second state provides a user with a more desirable arrangement of the plurality of
windows in the workspace based on the defined trigger.

> "When an update comes in which triggers and alert, the "begin alert" script 30 is
> run. This script takes the quote object into the alert state..." (col. 10, lines 19-
> 21). Presumably the alert script could define a separate set of sheets.

Risberg et al. teaches an event-based system, where triggers cause changes from a
first state to a second state and a display is changed in some manner. Risberg et al.
also teaches an active document, with one or more sheets composed in a custom
manner.

Risberg et al. fails to teach rearrangement of the layout of a display based on a change
in state for a workspace.

However, Good et al., teaches a known technique of rearranging a workspace when
changing from a first state to a second state. Specifically Good et al. teaches:

> "A user interface method and system for positioning graphical objects in
> the display area of a free form system is disclosed herein. A selected object may
> operate in a first state where it can be moved to different positions within the
> display area. The selected object may further operate in a second state where
> movement of the selected object causes other graphical objects within its path of
> movement to also move. This enables simplified organization of graphical
> objects in the display area by eliminating the need of a specialized tool or
> command to perform such an operation. The state of the selected object is
> indicated by a visually distinct presentation of the graphical object, for example
> when in the first state the graphical object is shown to have shadow to provide
> the visual clue that it is "above" the other graphical objects in the display area. A
> user may dynamically switch between states based on signals provided to the
> system." (col. 3, lines 15-31)

> "A system and method for graphical object interaction that enables a user to
> effectively and efficiently organize and process large amounts of data is
> described herein. When utilizing the system a user is able to reduce disruptions
> to their activity caused by the limited display space constraints of a computer
> controlled display system. So for example, when a user is entering or organizing
> information on a workspace area of the system, they need not be distracted by
> the need to rearrange items in order to enter new information. This allows the
> user to stay "in the flow" of providing such new information." (col. 5, lines 13-23)

> "It has been determined that user interface techniques for working with
> such workspaces can help a user stay in the flow. For example, when
> generating content, a key requirement for staying in the flow is to maintain a
> visible region of work--that is, to keep the item(s) that the user is working on,

together with as much context as possible, visible to the user. The system may adjust the view or move objects to accomplish this. A policy favoring limited occlusion or non-occlusion helps prevent items from getting lost during system manipulations." (col. 5, lines 64-67 and col. 6, lines 1-6)

This known technique of moving windows in a workspace is applicable to Riser et al. as they both share the characteristics and capabilities of alerting users when changes in states occur through the altering of a display in some manner.

One of ordinary skill in the art would have recognized that applying the known technique of Good et al. would have yielded the predictable results of alerting users by moving a display and resulted in an improved system. It would have been recognized that applying the technique of Good et al. to the teachings of Risberg et al. would have yielded the predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such display features into similar systems. Therefore, applying the movement of windows to Risberg et al. with triggers, would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow a user to better stay "in the flow."

Regarding claim 3:
The method of claim 1, further comprising:
before changing a state of the plurality of windows being displayed in the workspace, notifying the user that the trigger associated with the virtual workspace has been detected;

> Risberg, et al. discloses:
> "…the alert scripts can perform operations such as changing a color, flashing an object, sounding an audible alarm or executing an external program." (col. 4, lines 21-23)

detecting a user input indicating a request to activate the workspace; and

> "Buttons can be programmed to carry out commonly performed operations such as moving quickly to an important page…" (col. 4, lines 16-19).

changing the state of the plurality of windows to be displayed according to the second state in the workspace.

> "When an update comes in which triggers and alert, the "begin alert" script 30 is run. This script takes the quote object into the alert state…" (col. 10, lines 19-21)

Regarding claim 4:
The method of claim 1, further comprising:
defining a trigger-on state for each of the plurality of windows associated with the workspace; and

> Risberg, et al. discloses:
> "When an update comes in which triggers and alert, the "begin alert" script 30 is run." (col. 10, lines 19-20).

when the workspace is displayed on the display unit, displaying each of the plurality of windows on the display unit based on the trigger-on state associated with each window.
> "Active document" ... means a video displayed document of one or more "sheets" of the user's design..." (col. 2, lines 31-33). Therefore, the user can create script in the "normal state" to create a plurality of sheets.

Regarding claim 5:
The method of claim 4, wherein the trigger-on state activates window characteristics upon detection of the trigger.

> Risberg, et al. discloses:
> "...the alert scripts can perform operations such as changing a color, flashing an object, sounding an audible alarm or executing an external program." (col. 4, lines 19-23).

Regarding claim 6:
The method of claim 1, further comprising:
defining a trigger-off state for each of the plurality of windows associated with the workspace;
detecting an expiration of the trigger; and

> Risberg, et al. discloses:
> "Then when an update comes in which is back in the normal range, the "end alert" script will be run, followed by the "normal update script" (col. 10, lines 23-25).

changing a state of each window associated with the workspace based on the trigger-off state specified for each of the plurality of windows.

> "Thus, the four scripts provide a way of checking for changes in the state, or for staying in the same state." (col. 10, lines 25-27).

Regarding claims 11, 14 and 15:
11. The method of claim 1, wherein the trigger is defined at least in part based on trader related data.
14. The method of claim 1, wherein the trigger is defined at least in part based on market related data.
15. The method of claim 1, wherein the trigger is defined at least in part based on news data.

> Risberg, et al. discloses:
> The Event Trigger is a specification of conditions under which the user wishes to do extra processing on the Active Object. For example, the user can set alarm limits such as a certain price or trading volume for a particular quote Active Object… (col. 23, lines 5-7).

Regarding claim 31:
The method of claim 1, wherein a state of a window is defined as one or more of the following: active or inactive, maximized or minimized, focus of the window, hidden window, size of the window, or position of the window within the workspace.

> Risberg, et al. discloses:
> "The menu of commands allows the user to display an index of sheets which have been defined for a particular active document file, and to select the sheet to view. The menu options also include commands to manage sheets and sheet files, and to control the appearance of the display and the objects within it." (col. 5, lines 19-24). Further, "…when a dialog box first appears, the item in the upper left will have the focus." (col. 31, lines 15-16)

Regarding claim 32:
The method of claim 1, wherein according to the second state, one or more windows are automatically made active or inactive.

> Risberg, et al. discloses:
> "An apparatus and method according to the teachings of the invention provides a computer facility… whereby a user, using a collection of layout tools may define an active document. "Active document" as that term is used herein means a video displayed document of one or more "sheets" of the user's design…user defined scripts of commands to be processed…when an alarm limit is exceeded." (col. 2, lines 31-39) Therefore, the user can make a second state active or inactive with user defined scripts of commands.

Regarding claims 33, 35 and 36:

33. The method of claim 1, wherein according to the second state, one or more
windows are automatically maximized or minimized.
35. The method of claim 1, wherein according to the second state, one or more
windows are automatically placed on top of the remaining plurality of windows.
36. The method of claim 1, wherein according to the second state, one or more
windows are automatically resized from the first state.

> ### Risberg, et al. discloses:
>
> "The menu of commands allows the user to display an index of sheets which
> have been defined for a particular active document file, and to select the sheet to
> view. The menu options also include commands to manage sheets and sheet
> files, and to control the appearance of the display and the objects within it." (col.
> 5, lines 19-24).

Regarding claim 34:
The method of claim 1, wherein according to the second state, a focus on one or more
windows is automatically adjusted from the first state.

> ### Risberg, et al. discloses:
>
> Further, "...when a dialog box first appears, the item in the upper left will have
> the focus." (col. 31, lines 15-16). Script could be written to perform this.

Regarding claim 37:
The method of claim 1, wherein according to the second state, one or more windows
are automatically moved in the workspace from the first state.

> ### Risberg, et al. discloses:
>
> "The menu also includes commands to rearrange the location of the display
> object windows or boxes (the term boxes will be used herein to avoid confusion
> with the term windows in which separate processes may be running in
> multitasking environment or DOS windows environments)" (col. 5, lines 24-29)
> "...the menu includes options to change the order of the layers and move any
> particular box to the top of a stack." (col. 5, lines 30-33). Since alarms are from
> scripts... "The things that can be scripted to happen upon occurrence of an alarm
> condition are limited only by the imagination of the user." (col. 23, lines 15-18).
> Therefore, a script could be written that activates window characteristics upon
> detection of the trigger.

Regarding claims 38 and 39:
38. The method of claim 1, wherein at least one of the plurality of windows is used to
display market information.
39. The method of claim 1, wherein at least one of the plurality of windows is used to

display news information.

> Risberg, et al. discloses:
> "…the program can support data feeds from Reuters Market Feed 2000/IDN, Telekurs Ticker, CMQ Telerate MarketFeed, Canquote and Quotron. (col. 3, lines 17-20)

Regarding claim 40:
A computer readable medium, for providing an event driven workspace, the computer readable medium containing a program containing instructions to cause a processor to perform the following steps:
defining a plurality of windows to be associated with a workspace, wherein the plurality of windows are associated with at least two applications and the plurality of windows are used to display information pertaining to one or more tradeable objects on a display unit, and wherein each of the plurality of windows is displayed according to a first state in the workspace, the first state comprising a particular arrangement of the plurality of windows in the workspace;

> Risberg, et al. discloses:
> "…a computer facility… whereby a user, using a collection of layout tools may define an active document." (col. 2, lines 27-30)

> "The active document can be comprised of one or more sheets…" (Abstract)

> "The invention pertains to the field of application programs for monitoring and managing complex systems…" (col. 1, lines 31-34)

> "Several sheets may be shown in separate "windows" or layers on the display." (col. 5, liens 33-37)

> "The tools provided … allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc.…." (Abstract)

defining a trigger to be used to activate the workspace according to a second state;

> "When an update comes in which triggers and alert, the "begin alert" script 30 is run." (col. 10, lines 19-20).

> "A script is a user defined string of commands that are executed in sequence." (col. 10, lines 10-11).

detecting the trigger associated with the workspace by analyzing one or more incoming data feeds having a relation to the one or more tradeable objects; and

> "…alarm limits against which real time data updates are compared as well as scripts of commands to be performed in case an alarm limit is exceeded." (Abstract). Also, "The tools provided … allow the user to layout each sheet of the active document with: quotes of prices, volume etc. on various financial instruments such as stocks, bonds, etc.…" (Abstract)

upon detecting the trigger, changing a state of the plurality of windows being displayed according to the second state in the workspace, the second state comprising a different arrangement of the plurality of windows in the workspace than the first state, wherein the second state provides a user with a more desirable arrangement of the plurality of windows in the workspace based on the defined trigger.

> "When an update comes in which triggers and alert, the "begin alert" script 30 is run. This script takes the quote object into the alert state…" (col. 10, lines 19-21)

Risberg et al. teaches an event-based system, where triggers cause changes from a first state to a second state and a display is changed in some manner. Risberg et al. also teaches an active document, with one or more sheets composed in a custom manner.

Risberg et al. fails to teach rearrangement of the layout of a display based on a change in state for a workspace.

However, Good et al., teaches a known technique of rearranging a workspace when changing from a first state to a second state. Specifically Good et al. teaches:

> "A user interface method and system for positioning graphical objects in the display area of a free form system is disclosed herein. A selected object may operate in a first state where it can be moved to different positions within the display area. The selected object may further operate in a second state where movement of the selected object causes other graphical objects within its path of movement to also move. This enables simplified organization of graphical objects in the display area by eliminating the need of a specialized tool or command to perform such an operation. The state of the selected object is indicated by a visually distinct presentation of the graphical object, for example when in the first state the graphical object is shown to have shadow to provide the visual clue that it is "above" the other graphical objects in the display area. A user may dynamically switch between states based on signals provided to the system." (col. 3, lines 15-31)

> "A system and method for graphical object interaction that enables a user to effectively and efficiently organize and process large amounts of data is

described herein. When utilizing the system a user is able to reduce disruptions to their activity caused by the limited display space constraints of a computer controlled display system. So for example, when a user is entering or organizing information on a workspace area of the system, they need not be distracted by the need to rearrange items in order to enter new information. This allows the user to stay "in the flow" of providing such new information." (col. 5, lines 13-23)

"It has been determined that user interface techniques for working with such workspaces can help a user stay in the flow. For example, when generating content, a key requirement for staying in the flow is to maintain a visible region of work--that is, to keep the item(s) that the user is working on, together with as much context as possible, visible to the user. The system may adjust the view or move objects to accomplish this. A policy favoring limited occlusion or non-occlusion helps prevent items from getting lost during system manipulations." (col. 5, lines 64-67 and col. 6, lines 1-6)

This known technique of moving windows in a workspace is applicable to Riser et al. as they both share the characteristics and capabilities of alerting users when changes in states occur through altering a display in some manner.

One of ordinary skill in the art would have recognized that applying the known technique of Good et al. would have yielded the predictable results and resulted in an improved system. It would have been recognized that applying the technique of Good et al. to the teachings of Risberg et al. would have yielded the predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such display features into similar systems. Therefore, applying the movement of windows to Risberg et al. with triggers, would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow a user to better stay "in the flow."

10.   Claims 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over the reference as combined in section (9) above in further view of Official Notice.

Regarding claims 12 and 13:
12. The method of claim 11, wherein the trader related data comprises profit/loss ("P/L") trader related data.
13. The method of claim 11, wherein the trader related data comprises net position trader related data.

While Risberg et al., discloses... "A quote tools displays the value of an issue, including a user defined set of other fields pertaining to that particular company in a display style

specified by the user. For example, a brief style displays only the price where a comprehensive style displays all the available fields." (col. 3, lines 39-41), he does not disclose profit/loss or net position trader related data. The Examiner takes Official Notice that it would have been obvious to one skilled in the art at the time the invention to include profit/loss and net position data as part of financial analysis and that this provides the trader with useful information about whether or not to buy or sell a stock and that such information can enhance investment returns to the user.

Regarding claim 16:
The method of claim 1, wherein the trigger comprises a time trigger.

While Risberg et al., provides for alarm limits and triggers, he does not disclose a time trigger. The Examiner takes Official Notice that it would have been obvious to one skilled in the art at the time of invention to include time considerations for a trigger and that it would be useful, for example, where the trigger is activated during a trading session.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

    U.S. Patent 6,874,126

    U.S. Patent 7,158,951

    U.S. Patent 7,228,289

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KENNETH L. BARTLEY whose telephone number is

(571)272-5230. The examiner can normally be reached on Monday through Friday,

8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693